

Date: Fri, 18 Jun 93 16:15:14 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #198
To: Ham-Policy

Ham-Policy Digest Fri, 18 Jun 93 Volume 93 : Issue 198

Today's Topics:

 Blind VEs (2 msgs)
 NQOI Case: A Proposal for Action
 NQOI Loses Big PRB-1 Antenna Case

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
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Problems you can't solve otherwise to brian@ucsd.edu.

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(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 18 Jun 1993 19:43:48 GMT
From: pravda.sdsc.edu!news.cerf.net!usc!cs.utexas.edu!asuvax!chnews!
news@network.UCSD.EDU
Subject: Blind VEs
To: ham-policy@ucsd.edu

Jim, W5GYJ writes:

>>I wonder if a lot of this stuff about "proving" that blind hams can
>>act as VE's comes from the amateur community having to "prove" that
>>they could give exams with as much trustworthiness as an FCC 'droid,
>>er, staffer, back when the VE program was proposed. And, seemingly,
>>not being too convincing at it, since 1 FCC 'droid == 3 VE's.

Bob McGwier, N4HY replies:

>You have got to be kidding. Tell you what, you quadruple my salary as
>a VE and if an FCC droid can live on that I will kiss your %^^.

I really was talking about trustworthiness, not salary. My point was

that the FCC agreed to replace its licensing examiner with three VE's under the assumption that it took that many to watch each other while the test was being given. Kind of like the KGB (or whatever it was called) under Stalin.

>BMc

>Princeton, N.J. 08520 | Asst Scoutmaster Troop 5700, Hightstown
^^^^^^^^^^^^

I'd watch the same-sex propositions if I were you, Bob. {no smiley, sorry}

Date: Fri, 18 Jun 1993 17:33:48 GMT
From: usenet.coe.montana.edu!netnews.nwnet.net!clark!pacifier!mikef@decwrl.dec.com
Subject: Blind VEs
To: ham-policy@ucsd.edu

In article <1vr6i2\$13p@chnews.intel.com> jlbromley@sedona.intel.com (Jim Bromley, W5GYJ) writes:

>
>I think that amateurs, VE's, VEC's, etc. are being a bit
>hypersensitive about this whole issue. Darrell is right about the
>task of administering the test being not at all comparable with
>driving a car. The crucial question that must be answered is: "Is the
>test-giving process trustworthy?" The blind amateur posters maintain
>that it is, reasoning by similarity to the situation with blind
>teachers. However, Gary Coffman's point about the FCC bureaucracy
>having fits of literalism in rule interpretation is well taken. The
>VE program's trustworthiness could possibly be in jeopardy over
>an FCC Somebody's definition of the verb "to observe".

>
Quite possibly. Nevertheless, IMHO amateur radio operators panicking about the possibility that blind VEs might be competent plays into the situation. IMHO it would be better strategy to back the claim of us blind hams (taking into account that blind teachers and professors have -- by a number of methods -- been successfully conducting classes and supervising exams and "observing" classroom activities for well over half a century).

>
>The problem will ultimately have to be worked. The amateur community
>will have to prove to the FCC that alternative exam-giving means used
>by whatever-impaired VE's do not degrade the integrity of the process.

>
Wrong. As I've said before, it's up to the FCC to prove that blind VEs *impair* the process -- any other action bases decisions upon assumptions, not fact.

>

>It must do this as part of its ongoing effort to make itself ever more
>inclusive. The FCC will have to recognize that it is under
>legislative mandate to open government processes to handicapped
>individuals. And the blind amateurs will have to be persistent in
>pressing their demands to be included and patient with their sighted
>brethren as we seek the same goals. Accomodations will have to be
>made all around.

>

Agreed. But (and I know many do not wish to read this in this forum) the stakes for the blind are far higher than just whether blind VEs will be allowed to do their stuff. There are blind education majors right now who are having teachers' certificates denied them because they cannot, in the opinion of those to whom they must apply, they cannot "Observe" the classroom. There have been several court cases on this subject -- we, the blind, have, in the end, won them all. If we let this precedent stand, it could jeopardize the gains made by blind teachers during the past few years. By the same token, FCC should take account of these court cases and their implications.

Yes, we -- blind and sighted alike -- must work on this together. But we must work together as equal partners -- the blind must not be required to prove *anything*. If the sighted insist upon this, they will not be treating us (the blind) as first-class citizens for they do not have to prove anything.

furthermore, while patience may be in order, there will caome a time (it already *is* time from the point of view of those teachers being denied teaching certificates) when we must ask: "How long, O Lord?"

Let's work together to solve this problem -- as equals.

73!

--

Mike Freeman		Amateur Radio Callsign: K7UIJ
301 N.E. 107th Street		Internet: mikef@pacifier.rain.com
Vancouver, WA 98685 USA		GEnie: M.FREEMAN11
Telephone (206)574-8221		Pushing 40 is exercise enough!

Date: Fri, 18 Jun 1993 22:42:30 GMT
From: pa.dec.com!nntpd2.cxo.dec.com!nuts2u.enet.dec.com!little@decwrl.dec.com
Subject: NQ0I Case: A Proposal for Action
To: ham-policy@ucsd.edu

zlau@arrl.org (Zack Lau) writes:
[Paul Flaherty simlarly writes:]

>Assuming you have the low angle of radiation, what is important is the
>lack of nearby obstructions, so the troposphere can be illuminated well.
>Thus, a station such as W1NY in Springfield, MA does very well--their
>antennas are actually quite low but the hills are quite a ways off.
>Thus, they do quite well on troposcatter by running lots of power. By
>not being on a high mountaintop, they avoid much of the nasty weather one
>might expect during a New England winter.

Right, and low antennas with lots of power is an open invitation to EMI problems. At 150W with a 15' beam at 35-40' I was getting into TV's, telephones, and radios. Drop that height another 10', increase the power to a kilowatt, and use a longer boom antenna, and I'll light up every consumer electronics product in the neighborhood. This is why I mentioned both antenna restrictions and EMI in my original post.

Also, although the theory says that power, lower angle of radiation, and low noise make the station, experience indicates that there is more to it than that, at least based upon the Chicago VHFers. The stations with 60-100' towers simply hear much more stuff than those of us at 30-40' hear, using similar antennas, the same preamps, and the same radios. They regularly hear even more than the nomograph in the ARRL antenna book suggests they should hear. Maybe it's not an increase in the signal they receive, but a decrease in the noise they receive by getting above all the QRM that low to the earth antennas pick up.

When and if I ever get my local antenna situation squared away, I'll be able to do some direct comparisons. I purchased the 4218XL the nearby ham with the 100' tower was using. He's using 130' of 7/8" heliax and I'm using 40' of 3/4" hardline. We're both using mast mounted SSB preamps. His rig is the ICOM 970 and mine is either the Yaesu FT-726R or the FT-767GX. Although he has now switched to a M-Squared 2M5 I know he was regularly able to work Gretna, NE (a distance of 427 miles) with the 4218XL. So the primary difference in stations will be his 100' versus my 30' or 40' depending upon the outcome of my zoning petition. With my previous antenna, a 215WB at 40', I was able to barely hear the Gretna station once over a period of 8 months.

73,
Todd
N9MWB

Date: Thu, 17 Jun 93 13:48:40 GMT
From: mvb.saic.com!unogate!news.service.uci.edu!usc!howland.reston.ans.net!
darwin.sura.net!bogus.sura.net!udel!news.intercon.com!psinntp!laidbak!tellab5!
balr!tttd.teradyne.com!news@network.UCSD.

Subject: NQ0I Loses Big PRB-1 Antenna Case
To: ham-policy@ucsd.edu

In article <1598@arrl.org>, jlbloom@arrl.org (Jon Bloom, KE3Z) writes:

> In rec.radio.amateur.policy, aggedor@doc.cc.utexas.edu (The Monster of Peladon) writes:

>>I agree wholeheartedly with this sentiment. As far as I'm concerned if one owns
>>the land, one can do what one likes with it. If that happens to include
>>eracting a tower (even an extremely high one), then so be it.

>

> Great! I think I'll buy the property next to yours to keep my pigs and
> chickens. I like my music at rock-concert volume, too.

Hey Me too. - Aerosmith at 90db.....

But seriously, I think it's been taken too far. My neighbor's ugly as sin and is (in my opinion) visual pollution. That means that I should be able to go to the city and have him thrown out, right ? (I'm sure I could get a coupla neighbors to agree with me).

John Rice - K9IJ		"Did I say that ?" I must have, but It was
rice@ttd.teradyne.com		MY opinion only, no one else's...Especially
(708)-940-9000 - (work)		Not my Employer's.... Licensed since 1959
(708)-438-5065 - (bbs)		Ex: K8YZR, KH6GHC, WB9CSP, W9MMB, WA1TXV

Date: Fri, 18 Jun 1993 17:33:41 GMT

From: mvb.saic.com!unogate!news.service.uci.edu!usc!howland.reston.ans.net!gatech!
asuvax!ennews!anasaz!misty!john@network.UCSD.EDU

To: ham-policy@ucsd.edu

References <1993Jun11.162258.29614@ncar.ucar.edu>, <john.739818983@misty>,
<1993Jun18.163109.23263@ncar.ucar.edu>n

Subject : Re: NQ0I Loses Big PRB-1 Antenna Case

elmore@rap.ucar.edu (Kim Elmore) writes:

]>As one who lives with far more serious restrictions, all I can say is
]>"gee, he didn't wan't much, did he?"

] Why this epithet? I'm sorry you live under such onerous
]restrictions, but does this mean that we all must live under similar
]restrictions?

No, but those restrictions aren't the issue. The point is that NQ0I CAN put up a 35' antenna, and (from my reading of the ruling) probably could put up a 60' antenna. I shopped and shopped and shopped for housing and came up with an absolute antenna restriction as the BEST I could do, and then wiggled around it to get a 16 foot antenna up! NQ0I got screwed, but the many of the rest of us have a much more serious problem! Why not support US rather than NQ0I - a marginal case at best?

]>The trend to censor all unnormal
]>uses of properties offends me, but I think in this case PRB-1 was applied
]>pretty well.

] Reading the decision carefully will reveal the the Court isn't
]so sure. In fact, they plainly state that they don't think this
]result is what the FCC intended and the PRB-1 was poorly written
]because it provides no objective guidelines on what constitutes
]"balance".

There is no question but what PRB-1 is poorly worded. However, the intent seems to be to require compromise - not to provide any absolute right to whatever antenna is needed for whatever mode is chosen. The court seems to have met that intent.

]>They are better than nothing!

] NQ0I was never offered this compromise by the County -- I
]failed to mention that in an earlier post. But, by any stretch,
]that's a poor application of "reasonable accomodation" in my book. At
]what point, I wonder, would it *not* be better than nothing? I
]wonder, John, at what point you would decide that the restrictions are
]so strong that you could not persue your hobby in a pleasnat
]atmosphere? What would you do: abandon the hobby or attempt to defend
]your avocation?
I am not claiming that the COUNTY offered him a square deal. It does appear, however, that the court has now offered him that.

The restrictions on my hobby are already that bad, but I don' have any realistic choice! HQ0I has a hell of a lot less restrictions than many of us!

]>Look, I'd love to have a 100' crankup.
]>I live in a neighborhood that allows NO antennas without approval, but
]>they have ignored my beam at 16 feet. Would it work better at 35 feet -
]>sure! Would that be in the public good? Yes, I think my Hurricane Watch
]>Net work is far more valuable to the public than someone's ability to
]>work DX or win a contest! Am I fighting it? No. I had no real choice

]>but to buy in an antenna restricted area, but my neighbors had no real choice
]>but to live with me, so I accept it. I am quite sure that my putting
]>up a 35 foot or 60 foot tower WOULD reduce property values here.

] It's a shame you have bought into "common knowledge" so easily. Fortunately, we didn't. Using matched-pairs analysis (the same technique used to show that blacks don't reduce property values when they move into all-white neighborhoods and so leading to the Federal pre-emption of CC&Rs that restrict blacks from purchasing homes in otherwise restricted areas) we showed, at a 95% confidence level (97.5%? I don't recall for certain, but I rememebr that it was at least 95%), that the presence of large ham antennas *do not* adversely affect property values in established neighborhoods in the Denver-Boulder area. In fact, we noted that the selling price, per sq ft of floor space, for homes within plain sight of the antennas was slightly higher, though not significantly higher in a statistical sense. Tower heights ranged all over the place for this study, from over 100' to around 50' or 60'.

All I know is that I have a fair amount of experience with selling real estate and buying it, and I KNOW beyond a shadow of a doubt that having large antennae nearby increase the difficulty (and hence the expense) of selling houses - especially in scenic areas (such as where I live). Of course, this won't show up in your studies because the antennas aren't allowed. Thus your study is invalid for this case, as it self selects those neighborhoods with weak CC&R's.

The "common knowledge" that I am "buying into" is that possessed by potential home buyers and sellers, and has nothing to do with what hams believe! Since those possessors of that knowledge are those making the buying decisions, it has to have impact! Furthermore, the fact that my neighbors chose to assess themselves many hundreds of dollars to have the power lines buried in the neighborhood supports that view!

] The opposition countered with a study at one site where selling prices were compared before and after destruction of a wooded region and installation of 90' power pylons and lines across a west view of the mountains. In this case, installation of the power lines in an immature neighbor hood (it was still being built) did adversely affect prices a slight amount.

And did anyone address how much longer it takes to sell a house in an area where many buyers don't even go to shop because of the aesthetics?

]>I think the time is coming where one can only put up a big tower if one
]>lives out in the middle of nowhere or on old lots in cities that can't
]>stop you.

] In fact, that's what essentially constitutes a "reasonable
]balance... with minimal practicable regulation" as far as Boulder
]County and the Court is concerned. We must buy land and live
]elsewhere if we wish to pursue our hobby with significant antennas.

I'm afraid that this is true.

] Perhaps this is an acceptable compromise for you, but not for
]myself and several others. One of my neighbors put it succinctly: "If
]I wanted to have control over everything you do with that parcel of
]land [gesturing towards my house] I would have bought it."

Well, you can rant and rave all you want, but it is not going to affect
the outcome. Do you think that I like these compromises just because I
am arguing against an absolutist property-rights position? Do you really
think I believe that NIMBYism is always right? Remember, you are arguing
with the person who successfully LED the opposition to the Phoenix antenna
ordinance!

]>Keep in mind that special preservation districts (whether historic
]>or scenic) have a higher standing in the court than zoning in ordinary
]>neighborhoods. Guess where the good antenna sites are: SPD's (hilltops)!

] True, though NQOI doesn't live in an SPD.

Yes, or he wouldn't have one at all! Unfortunately, communities are now
using SPD's to increase their power. I know of one neighborhood in
Phoenix that has ordinary 50 year old houses that has gotten itself
declared an SPD as a historical district!

]>No one said he had to seek consensus from the amateur community!

] It does sound like, though, that we must seek consensus from
]the general community before we may proceed. Frankly, I didn't
]purchase my sliver of land so that everyone around me could tell me
]what to do with it. And, for the record, I'm not talking about
]burying hazardous waste, testing nuclear, chemical and/or biological
]weapons, making, selling or distributing illegal drugs, running a
]brothel or porn studio, raising livestock or resurrecting Woodstock.
]I'm talking about the safe, responsible pursuit of something very dear
]to me, whether it's ham radio, model airplanes, restoring an antique
]airplane, growing flowers, restoring/repairing old cars, growing
]vegetables, painting or practicing my violin.

I'll bet that if you started flying model airplanes around the neighborhood,
people would bitch about the noise.

Look, all of us want to be able to pursue our avocations on our property.

It's ourse, right? But, at the same time, most of us don't want our neighbors to put rusting cars on blocks all over their front yard, even if their avocation is car restoring. This indicates to me the need for compromise (which isn't the same as the consensus you mention above).

] At some level, I need not seek my neighbor's approval to do
]what I like as long as I don't endanger the community's health, safety
]or welfare. We are essentially arguing what that level is.
]Apparently, I demand more of this freedom at a higher level than you
]do.

No, you EXPECT it. I highly value freedom, but I also recognize the reasoning of those I disagree with, including those who don't value it at all. I am simply trying to say it like it is, and show the underlying logic. The courts have held, starting in the 50's, that zoning may be done for aesthetic reasons. I believe they are wrong (ie, CC&R's should be used for that purpose) but my belief doesn't change what the courts have upheld. I have read the decisions and understand the reasoning, even if I don't like the result.

If I was king (:-):-)) people would be able to form small communities with CC&R's that restricted usage, but there would be some provision so that there would be somewhere that you could buy and do your own thing.

I would seriously like to pursue the analogy of the cars on blocks. Do you believe that your neighbor should be allowed to put a bunch of rusting cars on blocks in his front yard? How about if you live in a neighborhood where home values range up to \$5,000,000 (like I do)? Note that the cars do NOT constitute a hazard, they are only an aesthetic nuisance.

I think discussing this analogous situation should shed light on the antenna issue.

]>I was
]>simply pointing out that PRB-1 appears to have WON, not lost in this
]>case!

] No, PRB-1 lost rather big-time in this case. We have heard,
]though without any further substantiation, that the FCC is quite
]concerned about this outcome and may be considering rewriting or
]amending PRB-1 to avoid things like this in the future. Right now, we
]can only hope...

Gee, that would really be a win. However, I don't see why it was considered a PRB-1 loss - please explain.

--

John Moore NJ7E, 7525 Clearwater Pkwy, Scottsdale, AZ 85253 (602-951-9326)

john@anasazi.com ncar!noao!asuvax!anasaz!john anasaz!john@asuvax.eas.asu.edu
- Democracy is two wolves and a sheep using majority vote to decide what -
- to have for dinner. SUPPORT THE BILL OF RIGHTS - INCLUDING THE 2nd! -

Date: 18 Jun 93 22:25:04 GMT
From: ogicse!emory!europa.eng.gtefsd.com!gatech!asuvax!ncar!
elmore@network.UCSD.EDU
To: ham-policy@ucsd.edu

References <john.739818983@misty>, <1993Jun18.163109.23263@ncar.ucar.edu>,
<john.740424821@misty>
Subject : Re: NQOI Loses Big PRB-1 Antenna Case

john@anasazi.com (John R. Moore) writes:

>No, but those restrictions aren't the issue. The point is that NQOI
>CAN put up a 35' antenna, and (from my reading of the ruling) probably
>could put up a 60' antenna. I shopped and shopped and shopped for
>housing and came up with an absolute antenna restriction as the BEST
>I could do, and then wiggled around it to get a 16 foot antenna up!
>NQOI got screwed, but the many of the rest of us have a much more
>serious problem! Why not support US rather than NQOI - a marginal case
>at best?

Perhaps your restrictions aren't the issue, though you seemed
to indicate that because you have such remarkable restrictions, we
should be happy with anything less restrictive than what you must deal
with. I disagree.

Restrictions should be dealt with on a case-by-case basis. I
believe you have lost sight of the situation that NQOI *believed* he
was entering, which was essentially no restrictions save those
physical restrictions based on what the lot size could support and
still maintain setbacks. No CC&Rs. No pre-ordained height limits as
set by zoning, since amateur antennas were specifically and explicitly
exempted from them. Given this environment and understanding is it
surprizing that, when limits appear somewhat capriciously ("We deem
antennas equivalent to building structures and so subject to structure
height limits") NQOI doesn't challenge them?

>] Reading the decision carefully will reveal the the Court isn't
>]so sure. In fact, they plainly state that they don't think this
>]result is what the FCC intended and the PRB-1 was poorly written
>]because it provides no objective guidelines on what constitutes
>]"balance".
>

>There is no question but what PRB-1 is poorly worded. However, the
>intent seems to be to require compromise - not to provide any absolute
>right to whatever antenna is needed for whatever mode is chosen. The court
>seems to have met that intent.

Certainly that is the intent. Yet, we felt that the County had done an end-run around due process and that the limits that now exist were essentially made up as the process continued. While the case dealt with antennas, it also dealt with *how* the limits were created and implemented. NQOI felt that no "compromise" was ever offered: a height limit was dictated by the County for which there was no alteration mechanism. While I forget the wording exactly, he could not seek a variance given the stated reasons for doing so. This left him with no alternatives to the County-imposed 35 ft limit and so no way to "compromise" that limit to something less restrictive. That, after all, is the essence of compromise: both sides must move. The County refused to offer anything but 35 ft. While, because of your severe limits and offer of 35 ft seems a compromise (after all, it's essentially twice what you have) an offer of 35 ft *here* constitutes no compromise on the County's part.

NQOI was (and is) quite willing to accept significantly less than 125'; that just happens to be what the building permit was for. Since that was what was before the commission, he would have to apply again at another height to ask for less. Application for a variance costs \$625 in Boulder. There is no guarantee of what the outcome will be, so NQOI could apply at 70', but that might be \$625 down the tubes. Then what? Remember here that the County wasn't offering anything different than 35'. In fact, counsel for the County stated that an "offer" of anything else would be improper, since the decision faced by the Commission was whether or not to approve specific building permits, not to negotiate them. Given this, NQOI decided, rightly I believe, to fight this case.

>I am not claiming that the COUNTY offered him a square deal. It does appear, >however, that the court has now offered him that.

NQOI counsel does not agree. NQOI must apply for a building permit and, as none has been granted for a 60 foot anything (remember too that no commercially available 60' crank up meets the requirements considered, but never offered, by the planning board). Thus, since he has no building permit for a 60' antenna, and since that would violate the 35' height limit in Boulder County, he would be in violation of local zoning laws and subject to sanction.

>

>The restrictions on my hobby are already that bad, but I don't have any
>realistic choice! NQOI has a hell of a lot less restrictions than many

>of us!

Yes, he does, but he isn't the rest of us and he did not walk into this "knowing" that a 35' height limit existed (since it didn't). If it were otherwise (CC&Rs or existing limitations on antennas) then he could be faulted, but such was not the case. Antennas were explicitly exempt from height limitations and all he was supposed to comply with were setbacks and wind survival. The rules changed as the game was played. It turns out that this is (now) legal.

>All I know is that I have a fair amount of experience with selling
>real estate and buying it, and I KNOW beyond a shadow of a doubt that
>having large antennae nearby increase the difficulty (and hence the
>expense) of selling houses - especially in scenic areas (such as where
>I live). Of course, this won't show up in your studies because the
>antennas aren't allowed. Thus your study is invalid for this case, as
>it self selects those neighborhoods with weak CC&R's.

Precisely the same arguments were attempted in upholding covenants against blacks in certain neighborhoods. They didn't withstand scrutiny, either. The study is quite valid and results of similar studies have been upheld by the Supreme Court. CC&Rs were not and are not in question here. The neighborhood had no CC&Rs against antennas. The study was appropriate and valid. You're confusing CC&Rs with zoning here and it is inappropriate as applied to this case.

>The "common knowledge" that I am "buying into" is that possessed by
>potential home buyers and sellers, and has nothing to do with what
>hams believe! Since those possessors of that knowledge are those making
>the buying decisions, it has to have impact! Furthermore, the fact that
>my neighbors chose to assess themselves many hundreds of dollars to have
>the power lines buried in the neighborhood supports that view!

CC&Rs are not at issue in this case. There may be value in them, but there were no CC&Rs active in this neighborhood. CC&Rs are irrelevant in NQOI's case.

>And did anyone address how much longer it takes to sell a house in an area
>where many buyers don't even go to shop because of the aesthetics?

Yes, the time-on-market was compared between houses within plain view of the ham antennas and those beyond any view of the antenna. There was no difference.

>Well, you can rant and rave all you want, but it is not going to affect
>the outcome. Do you think that I like these compromises just because I
>am arguing against an absolutist property-rights positions? Do you really

>think I believe that NIMBYism is always right? Remember, you are arguing
>with the person who successfully LED the opposition to the Phoenix antenna
>ordinance!

I am neither ranting nor raving. I'm glad you succeeded in Phoenix. Your implication is that we did something obviously "wrong" in this case. Such implication is incorrect. Every attempt was made to discuss alternatives and compromises with all officials. Nice was tried. NQOI was unwilling to roll over and so decided to take a stand.

>Yes, or he wouldn't have one at all! Unfortunately, communities are now
>using SPD's to increase their power. I know of one neighborhood in
>Phoenix that has ordinary 50 year old houses that has gotten itself
>declared an SPD as a historical district!

NQOI does not live in a SPD, SPDs were never mentioned and play no part in this case. Consideration of this case as it might apply to an SPD is simply irrelevant. Where did this come from?

>I'll be that if you started flying model airplanes around the neighborhood,
>people would bitch about the noise.

Perhaps, though any Academy of Model Aeronautics (AMA) sanctioned activity requires mufflers. Even so, electric models are quite popular and they are essentially silent in operation. Model aircraft were intended to be an example; I'll not argue their applicability to the case here.

>Look, all of us want to be able to pursue our avocations on our property.
>It's ourse, right? But, at the same time, most of us don't want our
>neighbors to put rusting cars on blocks all over their front yard, even
>if their avocation is car restoring. This indicates to me the need for
>compromise (which isn't the same as the consensus you mention above).

I never suggesting placing rusting cars on blocks in a front yard.

>No, you EXPECT it. I highly value freedom, but I also recognize the reasoning
>of those I disagree with, including those who don't value it at all. I am
>simply trying to say it like it is, and show the underlying logic. The
>courts have held, starting in the 50's, that zoning may be done for
>aesthetic reasons. I believe they are wrong (ie, CC&R's should be
>used for that purpose) but my belief doesn't change what the courts
>have upheld. I have read the decisions and understand the reasoning, even
>if I don't like the result.

In fact, I do expect certain freedoms associated with paying

the mortgage. When I am denied what I feel is reasonable and just, then I will demand it. What we disagree on is what freedoms are reasonable and just. Either you expect fewer freedoms than I do, or you demand fewer. The result is the same regardless of the semantics applied. While aesthetics are a valid concern for zoning, it has been historically difficult to base zoning strictly on them. You and I disagree as to "how it is".

>I would seriously like to pursue the analogy of the cars on blocks.
>Do you believe that your neighbor should be allowed to put a bunch of
>rusting cars on blocks in his front yard?

It's his (or her) yard. As long and noxious weeds are controlled, no vermin inhabit the cars and they do not pose a danger to the safety of children in the neighborhood I have no problem with legitimate restoration efforts. However, storage of garbage and trash is improper in anyplace but a facility for that. If my neighbor were essentially storing wrecks, I would indeed ask that they be put elsewhere.

>How about if you live in a
>neighborhood where home values range up to \$5,000,000 (like I do)?
>Note that the cars do NOT constitute a hazard, they are only an aesthetic
>nuisance.

Simply because someone's home is valued at \$5M, does that make it any different from mine valued at \$75k? What does price have to do with it? A concept such as this is either generally applicable or it isn't. Do the rich deserve favor that the rest of us do not?

>I think discussing this analogous situation should shed light on the
>antenna issue.

Perhaps, though NQOI did not propose erecting and then abandoning a tower or antenna installation. As long as the cars were being worked on and actively attended to, then I have no problem with such restorative efforts. If they are abandoned and left to rust, then it is inappropriate.

>Gee, that would really be a win. However, I don't see why it was considered
>a PRB-1 loss - please explain.

The "compromise" implied by the County and that the Court indicated was acceptable, is to move elsewhere. That, in my view, is no compromise.

Kim Elmore, [N50P, PP ASEL/Glider 2232456]

